(25)

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**M.A.(C) No. 371/2007**

**Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

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|---|---|---|
| **APPELLANTS CLAIMANTS** | 1. | Raju Ram Netam, S/o Sukh Ram Netam, aged about 18 yrs. Caste God. |
| | 2. | Ramesh Netam, S/o Sukh Ram Netam, aged about 15 yrs. Caste God. Appellant no. 2 is represented by legal guardian big brother Raju Ram Netam, All R/o Vill. Kokadi Post Iuba Chowki, P.S. Makudi, Distt. Jagdalpur (CG), Present address Vill. & P.O. Temari, P.S. Mana Camp, Distt. Raipur (CG) |
| | | **Versus** |
| **RESPONDENTS NON-CLAIMANTS** | 1. | Mohan Lal Sahu, S/o Chhedi Lal Sahu, R/o. Vill. & P.O. Temari (Mana), Tah. & Distt. Raipur (CG) |
| | 2. | The Oriental Insurance Co. Ltd. Through-Divisional Manager, Branch No.-2, Devendra Nagar Road, Sai Nagar, Raipur, Distt. Raipur (CG) |

Present:-
Shri P.M. Shrivas, counsel for the appellants.

**ORAL ORDER**

(Passed On 30th March, 2007)

Heard on I.A. No. 1/2007 for condonation of delay.

2. An appeal under Section 30 of the Workmen's Compensation Act has been filed against the order of the Commissioner for Workmen's Compensation, Labour Court, Raipur dated 21.3.2006 awarding compensation of Rs.1,07,094 in case of death of a workman. The appellants were represented by counsel before the Commissioner for Workmen's Compensation, Labour Court, Raipur and applied for a certified copy of the impugned order dated 21.3.2006 on 22.3.2006 and obtained copy on 27.3.2006. However, the appeal was filed after a considerable delay on 14.2.2007. Thus, the appeal is filed after a considerable delay of 264 days and is barred by limitation.

3. The only ground mentioned in the application for condonation of delay is that the appellants were under an impression that the appeal could be filed at any time. It was also mentioned that the appellants did not have sufficient funds. Learned counsel for the appellant sought permission to withdraw the application for condonation of delay praying for a liberty to file application on more convincing grounds. However, such liberty cannot be granted to conceive some more convincing grounds. Prayer is rejected.

4. The contention that the appellants believed that the appeal could be filed at any time is no ground for condoning the delay. The appellants were represented by counsel before the M.A.C.T. Copy of the impugned award dated 21.3.2006 was applied for on 22.3.2006 and was received on 27.3.2006. However, thereafter the appellants went into a complete slumber and the appeal was filed as late as on 14.02.2007. The affidavit filed by the appellant No.1 is also not in a proper speaking format. It is not mentioned as to the contents of which para of the affidavit is based on personal knowledge of the deponent and which para on information received. In my considered opinion, no satisfactory cause has been assigned for condonation of delay in filing this appeal. Accordingly, I.A. No. 1/2007 for condonation of delay is dismissed. Consequently, M.A.C. No. 371/2007 is also dismissed as barred by limitation.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya